

Notice of Allowability

Application No.

10/027,261

Applicant(s)

FISH ET AL.

Examiner

Art Unit

Michael C. Miggins

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/22/05.
2. ☒ The allowed claim(s) is/are 1,3-31 and 42-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

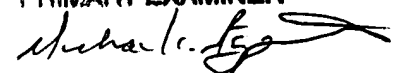
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11142005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

MICHAEL C. MIGGINS
PRIMARY EXAMINER



EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tim Cassidy on 11/14/2005.

The application has been amended as follows:

In the claims:

In claim 1, line 2, after "of a" and before "tensile force" the term "certain" has been deleted.

In claim 1, line 6, after "pocket region" and before "and a lower" the phrase - - formed from the first outer substrate - - has been inserted.

In claim 1, line 6, after "lower pocket region" and before ", wherein" the phrase - - formed from the second outer substrate - - has been inserted.

In claim 1, line 11, after "reactant are" and before "when said inner" the phrase "capable of intermixing" has been deleted and the term - - intermixed - - has been inserted in place thereof.

In claim 22, line 2, after "of a" and before "tensile force" the term "certain" has been deleted.

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In claim 22, line 4, after "first and" and before "outer substrate" the term - - second - - has been inserted.

In claim 22, line 4, after "substrate that" and before "at least about" the phrase "capable of extending" has been deleted and the term - - extend - - has been inserted in place thereof.

In claim 22, line 8, after "pocket region" and before "and a lower" the phrase - - formed from the first outer substrate - - has been inserted.

In claim 22, line 8, after "lower pocket region" and before ";" the phrase - - formed from the second outer substrate - - has been inserted.

In claim 22, line 13, before "when said inner substrate" the phrase "capable of intermixing" has been deleted and the term - - intermixed - - has been inserted in place thereof.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The prior does not disclose applicant's recited laminate or wrap comprising an inner substrate the ruptures upon application of a tensile force, extensible first and outer substrates, wherein said inner substrate is positioned between and bonded to said first and said second outer substrates to define at least one pocket having an upper pocket region formed from the first outer substrate and a lower pocket region formed from the second outer substrate with a first reactant and a second reactant contained in said upper and lower pocket regions respectively wherein reactants are intermixed when

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said inner substrate is ruptured, said reactants undergoing an endothermic or exothermic reaction.

Bowen discloses a two compartment, hot, or cold chemical therapy pack wherein one of the compartments is ruptured thus mixing two chemical reactants. Gerhard discloses multiple pockets in a coolant system. However, neither reference discloses extensible first and outer substrates, wherein said inner substrate is positioned between and bonded to said first and said second outer substrates to define at least one pocket having an upper pocket region formed from the first outer substrate and a lower pocket region formed from the second outer substrate with a first reactant and a second reactant contained in said upper and lower pocket regions respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCM
November 11, 2005

Michael C. Miggins
Primary Examiner
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A handwritten signature in black ink, appearing to read "Michael C. Miggins", with a stylized flourish at the end.